

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PRIMEFLIGHT AVIATION SERVICES, INC.  
Employer

and

Case 12-RC-113687

SINDICATO PUERTORRIQUENO DE  
TRABAJADORES, LOCAL 1996, SEIU  
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.<sup>1</sup> The Employer's request to stay the election is also denied.

KENT Y. HIROZAWA, MEMBER

HARRY I. JOHNSON, III, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., June 18, 2015.

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<sup>1</sup> Member Johnson notes that in three recent cases, the National Mediation Board ("NMB") has issued advisory opinions to the NLRB declining jurisdiction, despite air carriers providing detailed specifications as to the employer's performance of work traditionally performed by carriers (and their auditing that performance). See *Menzies Aviation, Inc.*, 42 NMB 1, 2, 4-5 (2014) (Member Geale dissenting); *Airway Cleaners*, 41 NMB 262, 267-269 (2014) (Chairman Hoglander concurring, but applying a different rationale; Member Geale dissenting in relevant part); *Bags, Inc.*, 40 NMB 165, 169 (2013). Whether or not Member Johnson would agree with this view were he on the NMB, he acknowledges that these cases represent a shift by the NMB from earlier opinions in which it had asserted jurisdiction on similar grounds, and that this view is currently extant NMB law.

Member Johnson further believes that this case differs from *Prospect Airport Services*, 04-RC-085882, rev. denied March 31, 2015, in which he requested review because of his concern that the carrier's invocation of its contractual right to remove an employee would, in practice, result in the employer's termination of that employee. Here, by contrast, there was evidence that when a carrier requested removal of an employee, the Employer could (and did) reassign the employee, conduct its own investigation, and decide on the appropriate discipline. Thus, for the above reasons, he joins his colleagues in denying review in this case.